



PROGRAM MEMO

August 18, 2000

Program Memo: Title 390, Protection and Safety # 1-2000

TO: Holders of Title 390

FROM: Jone Bosworth, Deputy Director
Protection and Safety Division

Signed by Ron Ross, Director
Department of Health and Human Services
9/1/00
Date

RE: Adoptive Home Studies for Private Adoptions

Effective Date: Immediately.

Duration: Indefinitely

Contact: Margaret Bitz, Protection and Safety
Mary Dyer, Protection and Safety, Adoption Specialist, (402) 471-9331

Citation: 390 NAC 5-005.03, replaces Administrative Memorandum #7-96

REQUIREMENTS FOR HOME STUDIES

Nebraska statute §43-107, amended in 1993, states that in all adoptive placements made after January 1, 1994, a pre-placement adoptive home study shall be filed with the court. The statute requires that such home study be completed by the Department or a licensed child placing agency licensed by the Department within one year prior to the date of the adoptive placement.

There are several exceptions to this identified in Neb.Rev.Stat. §43-107. They are:

1. The placement of a foster child by the Department or a licensed child placing agency into the home of a person who later files a petition to adopt that child. Such situations are exempt from a pre-placement home study. However, a post-placement home study must be completed by the Department or a licensed child placing agency and filed with the court finalizing the adoption at least one week prior to the hearing to finalize the adoption.

2. The adoption by a stepparent does not require a home study, unless ordered by the court. In this situation, a check of the Nebraska State Patrol and the Central Registry on child abuse is required by law.
3. A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician or other individual or agency which later results in adoption. In this situation, statute requires a post-placement home study to be completed and filed with the court a week prior to the adoption finalization hearing.

WHO MAY CONDUCT HOME STUDIES

The law requires that all adoptive home studies must be completed by the Department or a child placing agency licensed by the Department within a year of the adoptive placement. The law does not allow for private individuals or private MSW social workers to do home studies on their own. They may contract with a private child placing agency or the Department to complete the studies.

If a private social worker does complete a home study or if a post-placement home study is completed on situations other than those that are exempt, the court may not finalize the adoption and if finalized, the adoption can be challenged at anytime in the future.

HHS CONDUCTING HOME STUDIES IN PRIVATE ADOPTIONS

In situations in which our agency has been asked to complete adoptive home studies for private adoptions, staff should refer applicants to a licensed private adoption agency unless there is no agency serving their area or the applicant is an approved foster parent for HHS. A current list of those agencies agreeing to complete such studies is attached to this memo.

Updated information can be accessed from the Nebraska Adoption Agencies Association on the Internet at: meadowlark.creighton.edu/naaa

HOME STUDY FEE AND FEE WAIVER

The fee for a home study is \$1,100 paid to HHS during the home study process. Applicants should give the check to the staff member conducting the home study who sends it with a memo indicating that it is for an adoptive home study to Cindy Strufing in Financial Services.

The home study process should include some information and education for the applicants on adoption and the differences between raising an adopted child and a child born to them.

The home study should indicate clearly that the applicant is either approved or rejected as adoptive parent(s). The home study should not be released to the applicant or their attorney. The applicants may read the home study and add comments if they do not agree with what is stated. A letter of approval should be sent to the family and, if they are represented, to their attorney. A home study may be released to an agency in another state with the adoptive parents' signature of release. The family should be told that in all cases of instate or out-of-state adoptions, the family should inform the worker when the child is placed.

Current regulation (390 NAC 5-005.03) already allows for the fee to be waived in court ordered home studies:

“The Department will determine whether to complete or contract for independent adoption studies when the court has ordered the adoption study under Neb. Rev. Stat. 43-107.

If the Department completes the adoptive home study ordered under Neb. Rev. Stat., it will be at the expense of the petitioner(s) unless the expenses are waived by the Department. The Department will determine the fee or rate for the adoptive home study. The rate will be comparable to that charged by other agencies in the state.”

On either court ordered or other requests for home studies, a waiver may be granted using the following guidelines:

1. If a family already has a foster care or adoption home study completed and they are providing foster care to a state ward of our state or another state agency, the decision whether to waive the fee for the home study in the private adoption will be made by the Service Area Administrator or designee. A post-placement adoptive home study will be completed for the finalization of the adoption.
2. If a family has an approved foster care or adoption home study by HHS but has not had a state ward placed with them for six months, the family will be charged the \$1,100 for the home study for the private adoption.

POST-PLACEMENT SUPERVISION

When a child is placed for adoption who is in the custody of an agency in another state, that agency usually requires that one to three post-placement supervisory visits be made to the adoptive family and reports sent to them as a condition of finalization of the adoption. Adoptive parents usually pay the fee for this supervision. If HHS staff have conducted the home study, we should agree to provide one post placement visit at no charge. If more visits are required there will be a charge.

MD:B0174C

Attachment